



Kingsburg Planning Commission

1401 Draper Street, Kingsburg, CA 93631

Telephone: 559-897-5328 Fax: 559-897-6558

Chairperson

Vice Chairperson
ROBERT JOHNSON

Commission Members
DR. PAUL KRUPER
DR. JASON ROUNTREE
JEREMY KINNEY
JASON POYNOR
TROY COZBEY
MATTHEW BULLIS

Planning & Development
Director
GREGORY COLLINS

Secretary
MARY COLBY

AGENDA
KINGSBURG PLANNING COMMISSION
FEBRUARY 9, 2017
600 P.M.
KINGSBURG CITY COUNCIL CHAMBER
1401 DRAPER STREET

1. **Call to order - Reminder for all Commissioners and Staff to speak clearly and loudly into the microphones to ensure that a quality recording is made of tonight's meeting. We ask that all those attending this meeting please turn off pagers and wireless phones.**

NEXT RESOLUTION 2017-01

2. **APPROVAL** of the January 12, 2017 minutes as mailed or corrected.
3. **PUBLIC COMMENTS** - Any person may directly address the Commission at this time on any item on the agenda, or on any item that is within the subject matter jurisdiction of the Commission. A maximum of five minutes is allowed for each speaker.
4. **NOMINATIONS FOR CHAIRPERSON AND CO CHAIRPERSON.**
5. **PUBLIC HEARING – CUP-2016-02 MODIFICATION OF CONDITIONAL USE PERMIT CUP-2014-02 ADDING ADDITIONAL BED AND OFFICE SPACE TO THE CRESTWOOD BEHAVIORAL HEALTH FACILITY LOCATED AT 1200 SMITH STREET, APPLICANT CRESTWOOD BEHAVIOR HEALTH.**
 - A. Open Public Hearing scheduled for 6:00 P.M.
 - B. Presentation by Consulting Planning Director Greg Collins.
 - C. Commission Discussion
 - D. Open for Public Comment
 - E. Close Public Comment
 - F. Continued Commission Discussion
 - G. Close Public Hearing
 - H. Possible Actions:
 1. Decisions regarding Environmental Document
 2. Adopt/Deny/Modify Resolution
6. **STUDY SESSION/DISCUSSION REGARDING CHANGES TO THE KINGSBURG MUNICIPAL CODE ON SETBACKS AND HEIGHT FOR ACCESSORY STRUCTURES IN REAR YARDS.**
 - A. Presentation by Planning Director Greg Collins
 - B. Commission discussion

C. Recommendation to staff/City Council

7. FUTURE ITEMS

8. ADJOURN

**KINGSBURG PLANNING COMMISSION
JANUARY 12, 2017
REGULAR MEETING**

Call to order – At 6:04PM the Kingsburg Planning Commission meeting was called to order.

Commissioners Present – Kinney, Poyner, Cozbey, Johnson and Henslee

Commissioners Absent – Rountree and Kruper

Staff Present – Planning Director Greg Collins, Building Official Mike Koch and Planning Secretary Mary Colby

Others Present – Matthew and Heather Kredit, Lee Darling and Bruce Blayney City Council Liaison.

APPROVAL Commissioner Cozbey made a motion, seconded by Commissioner Poyner to approve the minutes of the November 10, 2016 meeting as presented. The motion carried by unanimous vote of those Commissioners present.

PUBLIC COMMENTS – No citizens present who wished to comment at this time.

Chairperson Henslee read his letter of resignation stating that he has moved out of town and is no longer a resident of Kingsburg. Henslee stepped down and turned the meeting over to Co-Chair Johnson.

PLANNING COMMISSION DISCUSSION REGARDING ADJUSTMENT OF SETBACKS FOR UTILITY STRUCTURES WITHIN A RESIDENTIAL REAR YARD. –Gregory Collins Planning Consultant presented his staff report with some background on discussions regarding the location of accessory structures in rear yards. Staff is looking for guidance on whether the ordinance should be left as it is or change the requirement for setbacks for larger accessory structures. This is an issue of aesthetics and policing.

Building Official Mike Koch stated that most Kingsburg residents purchase their accessory structures from Tuff Shed, but they do not have structures that fit the parameters of our ordinance as it stands.

Matthew Kredit, 179 W Sunset Street, Kingsburg stated that they purchased a Tuff Shed and installed it about 18 months ago. At the time he built the shed he had verbal permission from his neighbor to place in the location that it stands but when completed neighbor changed his mind and is not happy with the location. This is the reason he is pressing for the change in the ordinance.

Lee Darling, 159 W Sunset Street, Kingsburg stated that he is the neighbor who is not happy with the height of the structure. He would like to see structures kept a distance from the fence and does not want a change in the ordinance.

Planning Director Collins gave the following options:

KINGSBURG PLANNING COMMISSION
JANUARY 12, 2017
REGULAR MEETING

1. Could maintain the current status but clarify the ordinance. If this option is chosen the non-conforming structures will be dealt with on a case by case basis as they are brought to the City's attention.
2. Allow for taller structures within setback, with a height limit.

After a brief discussion the following recommendation was made by the Planning Commission:

Bring back draft ordinance for commissions review with options and graphic details. Clean up out of date language and prepare a minor deviation/variance for consideration. This would require a public hearing before the Planning Commission.

FUTURE ITEMS –

Four subdivisions are working way towards consideration by the Planning Commission.
Nelson, Crinklaw, Erickson and Ghuman subdivisions.

Crestwood Hospital project, amendment to CUP, adding beds to hospital.

Projects in Tulare but adjacent to Kingsburg
Van Cleve, concrete processing plant.

Hash project a large parcel proposed to be subdivided, issues pertaining to interjurisdictional items.

ADJOURN – At 7:00PM the Planning Commission meeting was adjourned.

Submitted by

Mary Colby
Planning Secretary

STAFF REPORT

TO: Kingsburg Planning Commission

FROM: Greg Collins, Contract City Planner

DATE: February 9, 2017

SUBJECT: AN AMENDMENT TO CONDITIONAL USE PERMIT CUP 2014-02, AN EXISTING 44-BED MENTAL HEALTH REHABILITATION FACILITY LOCATED AT 1200 SMITH STREET IN KINGSBURG

Recommendation:

Following a public hearing, take the following actions with respect to the application for an Amendment to Conditional Use Permit CUP 2014-02

- 1) Determine that the project is Categorically Exempt in accordance with the California Environmental Quality Act (CEQA) because it is an existing facility that will undergo interior remodeling for an existing mental health rehabilitation center. The project involves negligible or no expansion of an existing use (Class 1, Guidelines Section 15301).
- 2) Adopt the attached Resolution 2017 -__ as presented or as modified by the Planning Commission recommending that it make the findings required by Kingsburg Municipal Code Section 17.68.070 and approve the Amendment to Conditional Use Permit 2014-02 subject to conditions in the resolution.

Discussion:

The applicant, Crestwood Behavioral Health, has requested an amendment to their previously approved conditional use permit (Conditional Use Permit 2014-02) that was approved by the Planning Commission in November of 2014. The applicant is requesting a number of remodel requests most of which exist within the footprint of the existing Crestwood Behavioral Health facility ("Existing Facility").

The Existing Facility is located in the RM-2 district, which permits *'hospitals, sanitariums...and rehabilitation homes'* with a conditional use permit. The applicant, Crestwood Behavioral Health, secured City Council approval of Conditional Use Permit 2014-02 for a 44-bed, locked, mental health rehabilitation center in January, 2015 subject to numerous conditions of approval that are attached to this report as Exhibit A.

The proposed improvements to the Existing Facility are as follows:

1. Twenty-two bed wing that will contain restrooms, conference room, office, TV/Sitting area, library and training room. These improvements will be contained in a 5,861 square foot area, which is within the current building footprint of the Existing Facility hospital building.

2. A new 230 square foot building addition that will house a new program office. This space will be attached to the above-identified new 22-bed wing of the Existing Facility building.
3. A remodeled maintenance office containing 225 square feet which is within the current footprint of the Existing Facility.
4. A remodeled maintenance yard of the Existing Facility containing 890 square feet.

The above listed improvements will expand the services that Crestwood Behavioral Health currently provides at the Existing Facility. Crestwood's original proposal for the Existing Facility was to care for patients that are best described in California's Welfare and Institutional Code as follows:

California Welfare and Institutions Code Section 5120 sets forth the policy of the State of California that the care and treatment of mental patients be provided in the local community. In order to achieve uniform statewide implementation of this policy, Section 5120 provides that:

“...notwithstanding any other provision of law, no city or county shall discriminate in the enactment, enforcement, or administration of any zoning laws, ordinances, or rules and regulations between the use of property for the treatment of general hospital or nursing home patients and the use of property for the psychiatric care and treatment of patients, both inpatient and outpatient. Health facilities for inpatient and outpatient psychiatric care and treatment shall be permitted in any area zoned for hospitals or nursing homes, or in which hospitals and nursing homes are permitted by conditional use permit.”

Kingsburg Municipal Code Section 17.68.070 requires that the following findings be made to approve a proposed amendment to a conditional use permit. Staff has information that supports each finding.

- A. *That there are circumstances or conditions applicable to the land, structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a private property right.*

The subject land and structures located on the site served as a hospital for many years and since 2015, the existing mental health facility. Without extensive and costly renovation to the site, the right to use the site must continue to involve the operation of a health related facility. In order to preserve this property right to continue to operate the site as a health care facility, the issuance of an amendment to an existing conditional use permit (CUP 2014-02) is necessary.

- B. *That the proposed location of the conditional use is in accordance with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located.*

The RM-2 Zone district specifically permits the operation of mental health rehabilitation centers in the RM-2 Zone district with a conditional use permit. By identifying this type of facility as a conditional use in the RM-2 Zone District, the proposed Amendment to an

existing conditional use is in accordance with the objectives of Chapter 17 of the Kingsburg Municipal Code and the purposes of the RM-2 district.

C. That the proposed use will comply with each of the applicable provisions of this title.

Kingsburg's site plan review committee has reviewed the proposed remodel of the Existing Facility. The site review committee has determined the proposed Amendment complies with applicable provisions of Title 17 of the Kingsburg Municipal Code including, without limitation, use, setbacks, parking, landscaping, etc.

Background:

On November 13, 2014, the Kingsburg Planning Commission held a public hearing on Conditional Use Permit 2014-02 ("CUP"). Numerous persons testified both for and against the approval of the CUP. After closing the public hearing, the Commission voted to continue their consideration of the CUP until additional information was provided to the Commission by planning staff. After reviewing additional information provided by staff, the Commission voted on November 20, 2014, to approve the CUP subject to conditions. These conditions are attached to this report. Staff has asked staff from Crestwood Behavioral Health to report on each condition of approval in order to update the Commission on Crestwood's progress on meeting their condition obligations.

Background Facts

Applicant: Crestwood Behavioral Health
520 Capital Mall, Suite 800
Sacramento, Ca. 95814

Architect: SKW & Associates
2237 Scenic Drive
Modesto, Ca. 95355

Location:

The subject territory is located in the northwest corner of 18th Avenue and Mariposa Street in Kingsburg. The subject property's address is 1200 Smith Street, Kingsburg, 93631.

Request:

The applicant, Crestwood Behavioral Health, has requested an amendment to their previously approved conditional use permit (Conditional Use Permit 2014-02) that was approved by the Kingsburg Planning Commission in November of 2014. The applicant is requesting a number of remodel requests most of which exist within the footprint of Crestwood's Existing Facility.

The Crestwood Existing Facility is located in the RM-2 district, which permits *'hospitals, sanitariums...and rehabilitation homes'* with a conditional use permit. The applicant, Crestwood Behavioral Health, secured City Council approval of a conditional use permit for a

44-bed, locked, mental health rehabilitation center in January, 2015 subject to numerous conditions that are attached to this report as Exhibit A.

The proposed improvements are as follows:

1. Twenty-two bed wing that will contain restrooms, conference room, office, TV/Sitting area, library and training room. These improvements will be contained in a 5,861 square foot area, which is within the current building footprint of the Existing Facility hospital building.
2. A new 230 square foot building addition that will house a new program office. This space will be attached to the above-identified new 22-bed wing of the Existing Facility building.
3. A remodeled maintenance office containing 225 square feet which is within the current footprint of the Existing Facility.
4. A remodeled maintenance yard of the Existing Facility containing 890 square feet.

Sewer:

Sewer is available to the Existing Facility from 18th Avenue.

Water:

Water is available to the Existing Facility from 18th Avenue.

Storm Drainage:

Storm water runoff will be diverted to curbs and gutters that surround the Existing Facility site and are connected to local drop inlets.

Road and Sidewalk Improvements:

The applicant has repaired or replaced certain segments of the sidewalks that surround the Existing Facility site. These improvements were conditions of approval as per Conditional Use Permit 2014-02.

Parking:

For hospitals, the Kingsburg Municipal Code requires one parking stall per four beds, one stall for each employee during the maximum shift and one stall per staff doctor. This requirement totals 40 parking stalls. Crestwood is providing 50 on site parking stalls, which are situated on the south and north sides of the subject property.

Zone:

The subject territory is zoned RM-2 district, which permits *'hospitals, sanitariums...and rehabilitation homes'* with a conditional use permit. Surrounding zone classifications are as

follows:

North: RM-2
South: Central Commercial - future church site
West: RM-2
East: RM-2

General Plan:

The Kingsburg Land Use Element designates the subject territory as high density residential. The Circulation Element designates 18th Avenue as an arterial roadway and Mariposa, Smith, Earl and Lincoln Streets as local roadways.

Land Use:

The subject site is the site of the old Kingsburg Hospital, which is currently operated by Crestwood Behavioral Health as a mental health rehabilitation center. Surrounding land uses are as follow:

North: Single-family dwellings and offices
South: Single-family dwellings and future church site
East: single family, multi-family dwellings and offices
West: Single-family dwellings and offices

Access:

Primary access to the site is provided by 18th Avenue. Secondary access streets include Lincoln, Mariposa, Earl and Smith.

Services:

Police protection is provided by the City of Kingsburg and fire protection by the City of Kingsburg.

CEQA:

As proposed, the project will not have a significant impact on the environment. This project is categorically exempt from CEQA.

Conclusion:

Staff recommends that the Kingsburg Planning Commission adopt Resolution No. 2017 -__, approving an Amendment to Conditional Use Permit 14-02, Crestwood Behavioral Health, subject to the conditions listed below. Some of these listed conditions were applied to Crestwood's original Conditional Use Permit 2014-02 and are repeated because they are also applicable to the new 22-bed unit of the Existing Facility.

1. The proposals of the applicant shall be conditions of approval, except as further modified below, and subject to modifications to conform to applicable City Standards.
2. All development shall comply with all City standards and policies.
3. For any future development of additional building space, of any size, Applicant shall submit all required information and fees to procure all necessary permits and entitlements.
4. Any new or modified electrical or utility services shall be undergrounded.
5. Applicant shall provide separate water services for domestic, landscape and fire usage, if not already existing. All new services shall be made by hot tap in the presence of the water department staff. Existing water meters shall be retrofitted to include a radio read head compatible with the City system. Landscape service shall be metered separately.
6. Applicant shall provide upgraded HVAC system with smoke dampers as required at rated walls or ceiling penetrations.
7. All proposed improvements shall conform to requirements of the Americans with Disabilities Act (ADA).
8. A Public Works water staff member must be present during installation of hot taps and tie-ins.
9. Handicapped ramps shall be modified within and surrounding the project site as necessary to meet current code and State of California standards.
10. Applicant shall install backflow preventers on existing water services as directed by the City Engineer.
11. At time of Building Plan Check, applicant shall pay a 10% deposit of the plan check fee.
12. At time of site improvements plan check, applicant shall submit a 50% deposit of the plan check and inspection fee.
13. RTMF fees must be paid before final occupancy, with the receipt returned to the city.
14. Required ADA parking spaces shall be provided, with input from City Building Department, prior to occupancy.
15. Submit a floor and plumbing plan to SKF for sewer evaluation.
16. Modification to building or plumbing will require a reevaluation of the existing sewer connection permit by SKF.
17. Contact SKF Sanitation District for updated sewer service charges; project constitutes change in use for billing purposes.
18. Roof access ladders and fire sprinkler risers will be installed inside the building.
19. Sprinkler and alarm system is required per current Fire Code in new building and must be monitored and maintained as needed.
20. Defense and Indemnification.
 - a. Applicant agrees to and shall defend, indemnify, and hold harmless the City of Kingsburg (“**City**”), and its officials, city council members, planning commission members, officers, employees, representatives, agents, contractors and legal counsel (collectively, “**City Parties**”) from and against all claims, losses, judgments, liabilities, causes of action, expenses and other

costs, including litigation and court costs and attorney's fees, and damages of any nature whatsoever made against or incurred by the City Parties including, without limitation, an award of attorney fees and costs to the person, organization or entity or their respective officers, agents, employees, representatives, legal counsel, arising out of, resulting from, or in any way in connection with, the City's act or acts leading up to and including approval of any environmental document and/or granting of any land use entitlements or any other approvals relating to the amendment to Conditional Use Permit 2014-02 ("**Amendment**"). Applicant's obligation to defend, indemnify and hold harmless specifically includes, without limitation, any suit or challenge by any third party against the City which challenges or seeks to set aside, void or annul the legality or adequacy of any environmental document or determination, including, without limitation, any environmental document or determination prepared by the City or at the direction of the City and approved by the City for the approval of any land use entitlements or other approvals related to the Amendment.

b. Applicant agrees its obligations to defend, indemnify and hold the City, and the City Parties harmless shall include, without limitation, the cost of preparation of any administrative record by the City, City staff time, copying costs, court costs, the costs of any judgments or awards against the City Parties for damages, losses, litigation costs, or attorney's fees arising out of a suit or challenge contesting the adequacy of any City act or acts leading up to and including any approval of any environmental document or determination, land use entitlements or any other approvals related to the Amendment, and the costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of a suit or challenge contesting the adequacy of any City act or acts leading up to and including any approval of the environmental document or determination, land use entitlements or any other approvals related to the Amendment.

c. Applicant agrees the City may, at any time, require the Applicant to reimburse the City for attorney fees, costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of any suit or challenge. Such attorney fees shall include any and all attorney fees incurred by the City from its legal counsel, Kahn, Soares & Conway, LLP and any special legal counsel retained by the City. Applicant shall reimburse City within thirty (30) days of receipt of an itemized written invoice from City. Failure of the Applicant to timely reimburse the City shall be considered a material breach of the conditions of approval for the Amendment.

d. Applicant shall comply with and shall require all contractors to comply with all prevailing wage laws, rules and regulations applicable to any work to be performed as a result of approval of the Amendment (collectively "**Amendment Work**"). Applicant shall be solely responsible for making any and all decisions regarding whether any portion or aspect of the Amendment Work, including, without limitation, any form of reimbursement by the City to the Applicant or any contractor, will require the payment of prevailing wages. Further, Applicant will be solely responsible for the payment of any claims, fines, penalties, reimbursements, payments and the defense of any actions that may be initiated against Applicant or any contractor as a result of failure to pay prevailing wages.

e. The Applicant shall defend, indemnify, and hold harmless the City Parties, from and against any and all claims, damages, losses, judgments, liabilities, causes of action, expenses and other costs, including, without limitation, litigation costs and attorney's fees, arising out of, resulting from, or in any way in connection with any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Amendment Work. Applicant's obligation to defend, indemnify and hold the City Parties harmless specifically includes, but is not limited to, any suit or administrative action against the City Parties which claims a violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Amendment Work.

f. The Applicant agrees its obligations to defend, indemnify and hold the City Parties harmless, shall include without limitation, City staff time, copying costs, court costs, the costs of any judgments or awards against the City Parties for damages, losses, litigation costs, or attorney fees arising out of any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Amendment Work and costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of any such proceeding or suit.

g. Applicant agrees the City may, at any time, require the Applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of any suit proceeding regarding violation of any prevailing wage law, rule or regulation. Such attorney fees shall include any and all attorney fees incurred by the City from its legal counsel, Kahn, Soares & Conway, LLP and any special legal counsel retained by the City. Applicant shall reimburse the City within thirty (30) days of receipt of an itemized written invoice from the City. Failure of the Applicant to timely reimburse the City shall be considered a material violation of the conditions of approval of the Amendment.

Environmental Review:

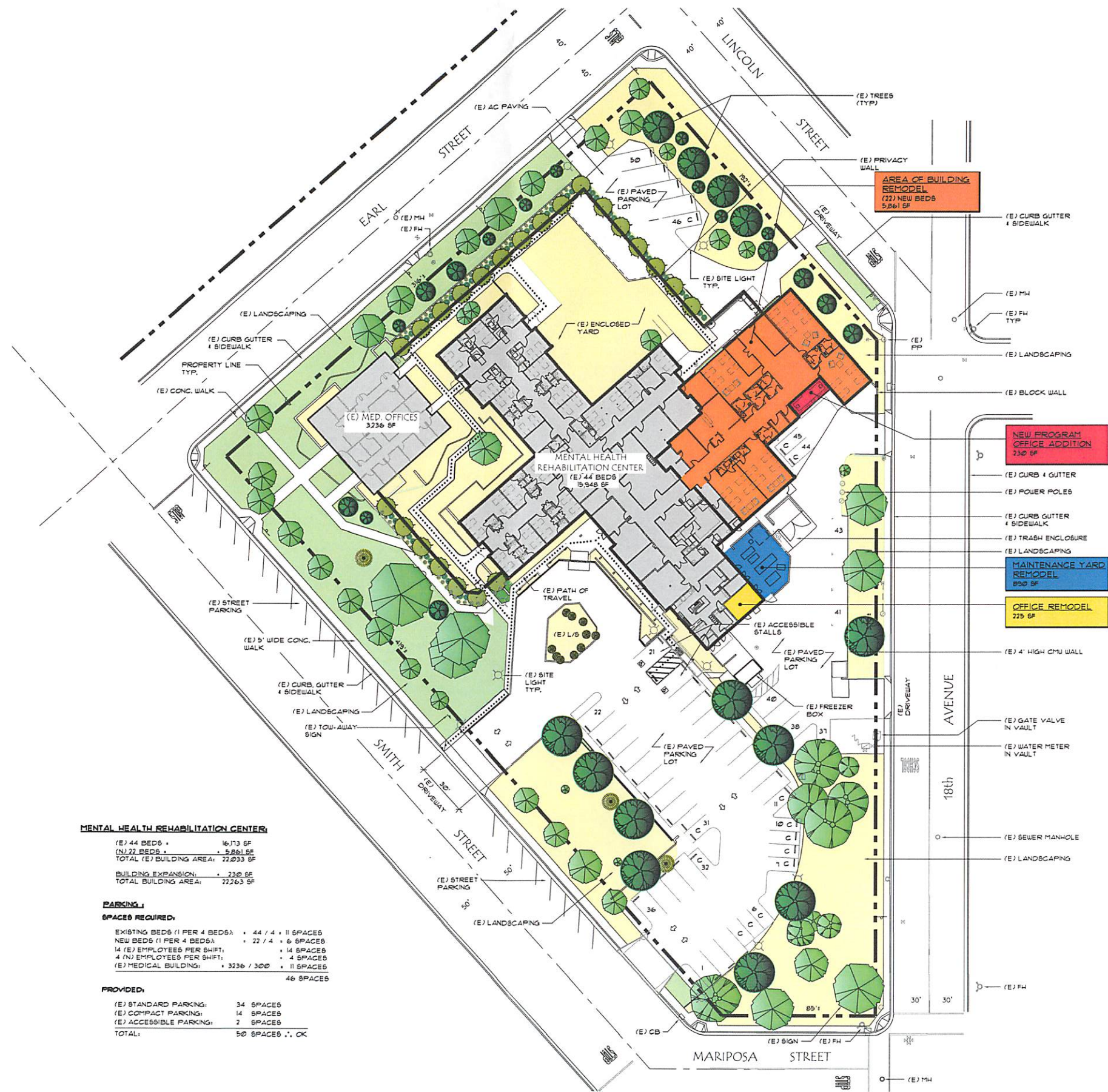
The requested action is considered categorically exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) because the Existing Facility will undergo minor alteration for the current use, involving negligible or no expansion of an existing use (Class 1, Guidelines Section 15301).

ATTACHMENTS:

Building Elevations and Site Plan

Resolution 2017-

Crestwood 2014-02 CUP Conditions

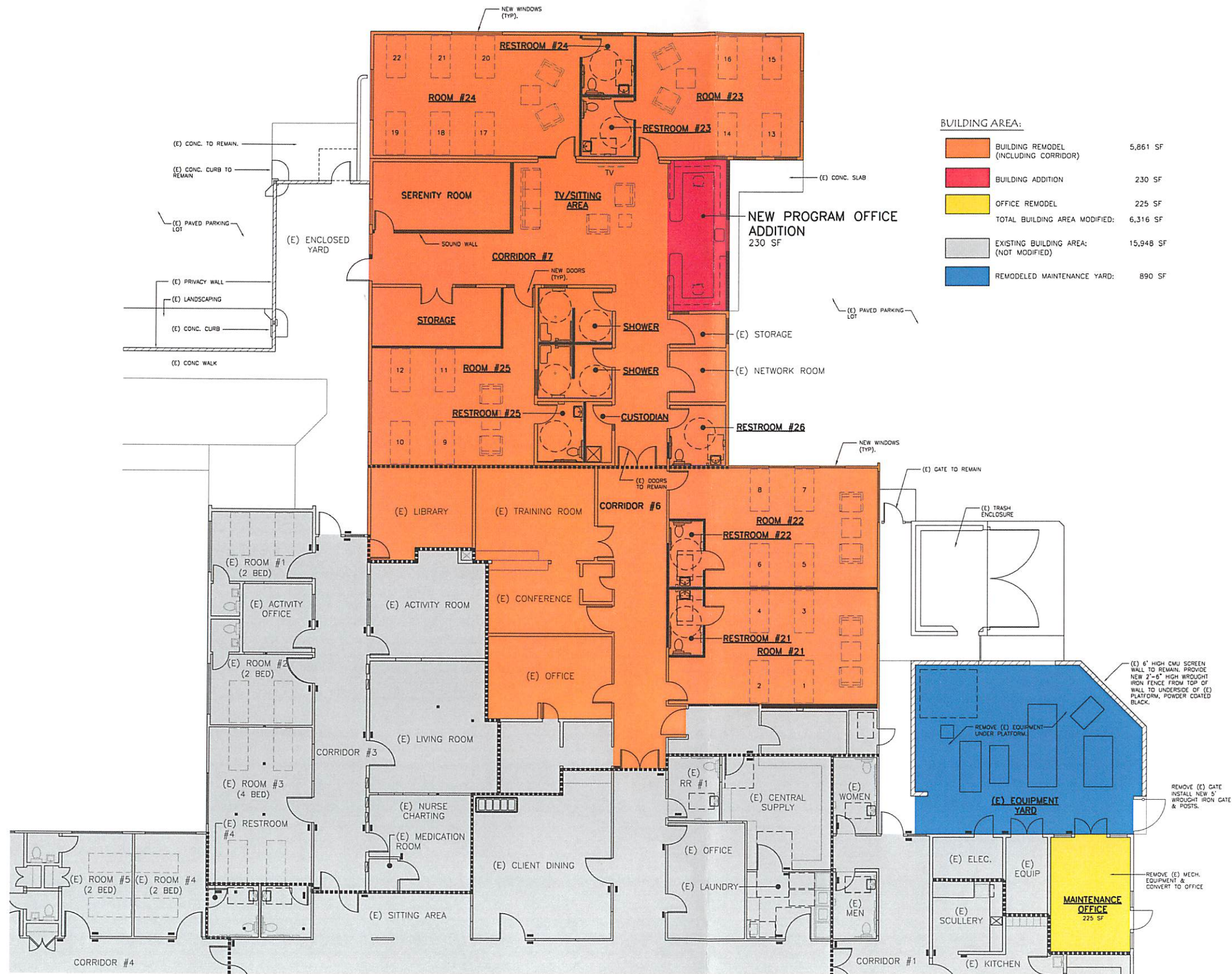


CONCEPTUAL SITE PLAN FOR:

22 BED EXPANSION - MENTAL HEALTH REHABILITATION CENTER

CRESTWOOD BEHAVIORAL HEALTH

1200 SMITH STREET
KINGSBURG, CALIFORNIA

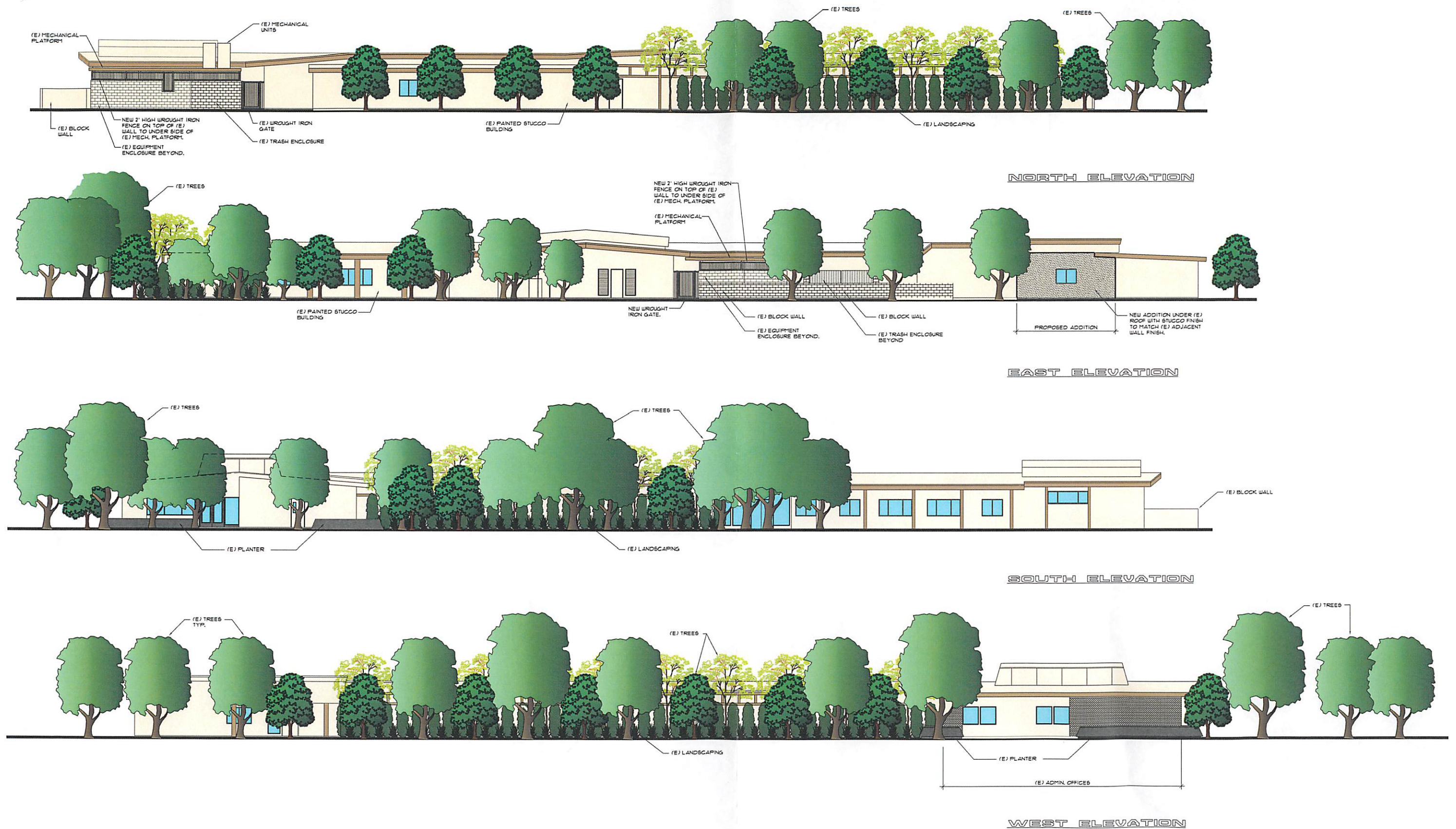


PRELIMINARY FLOOR PLAN FOR:
 22 BED EXPANSION - MENTAL HEALTH REHABILITATION CENTER
CRESTWOOD BEHAVIORIAL HEALTH
 1200 SMITH STREET
 KINGSBURG, CALIFORNIA

NORTH

SCALE: 1/8" = 1'-0"

skw & associates 永久
 architecture engineering surveying
 2237 scenic drive, modesto, ca 95355 p: 209-523-8323 f: 209-529-7804



RESOLUTION NO. 2017 -

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KINGSBURG APPROVING, WITH CONDITIONS, AN AMENDMENT TO CONDITIONAL USE PERMIT 2014-02 TO MAKE IMPROVEMENTS TO AN EXISTING 44-BED LOCKED MENTAL HEALTH REHABILITATION CENTER, LOCATED AT 1200 SMITH STREET, CITY OF KINGSBURG

WHEREAS, the Kingsburg Planning Commission did consider during its regular meeting on February 9, 2017, the application for an Amendment to Conditional Use Permit 2014-02 to make improvements to an existing mental health rehabilitation center owned by Crestwood Behavioral Health Inc. ("Applicant") located on a 2.81 acre parcel at 1200 Smith Street, APN 396-15-152; and

WHEREAS, the Applicant is proposing to make the following improvements to its existing mental health rehabilitation center ("Existing Facility") that will include the following:

1. Twenty-two bed wing that will contain restrooms, conference room, office, TV/Sitting area, library and training room. These improvements will be contained in a 5,861 square foot area, which is within the current building footprint of the Existing Facility hospital building.
2. A new 230 square foot building addition that will house a new program office. This space will be attached to the above-identified new 22-bed wing on the Existing Facility hospital building.
3. A remodeled maintenance office containing 225 square feet which is within the current footprint of the Existing Facility.
4. Remodeled maintenance yard of the Existing Facility containing 890 square feet.

WHEREAS, the Kingsburg Site Plan Review did review and discuss Applicant's requested Amendment to Conditional Use Permit 2014-02 and the proposed improvements to its Existing Facility at their January 17, 2017, meeting and recommended approval of the same subject to conditions, and

WHEREAS, property owners within 500 feet of the subject site were notified of the Planning Commission meeting and a public hearing notice was published ten (10) days prior to the Planning Commission's meeting of February 9, and

WHEREAS, on February 9, 2017, the Kingsburg Planning Commission did conduct a duly-noticed public hearing, accepting written and oral testimony both for and against the

Amendment to Conditional Use Permit 2014-02; and

WHEREAS, planning staff presented a staff report and an environmental finding to the Planning Commission at their February 9, 2017, meeting; and

WHEREAS, The Kingsburg Planning Commission finds that the proposed Amendment to Conditional Use Permit 2014-02, subject to conditions, is in accordance with the provisions of Chapter 17.68 of the Kingsburg Municipal Code; and

WHEREAS, the Planning Commission also finds that the conditions of approval imposed on the Amendment to Conditional Use Permit 2014-02 will protect and preserve the public health, safety and welfare in the immediate neighborhood and the community as a whole; and

WHEREAS, the Kingsburg Planning Commission has determined that the project is categorically exempt consistent with the California Environmental Quality Act.

NOW THEREFORE, BE IT RESOLVED that the Kingsburg Planning Commission determines the following findings can be made as required by Section 17.68.070 of the Kingsburg Municipal Code regarding Amendment to Conditional Use Permit 2014-02:

- A. That there are circumstances or conditions applicable to the land, structure or use which makes the granting the Amendment to Conditional Use Permit 2014-02 necessary for the preservation and enjoyment of a private property right.
- B. That the proposed location of the conditional use is in accordance with the objectives of the Kingsburg Municipal Code and the purposes of the Zone district in which the site is located.
- C. That the proposed use will comply with each of the applicable provisions of Title 17 of the Kingsburg Municipal Code.

That the project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Kingsburg Planning Commission hereby approves an Amendment to Conditional Use Permit 2014-02 subject to the following Conditions of Approval as follows:

1. The proposals of the applicant shall be conditions of approval, except as further modified below, and subject to modifications to conform to applicable City Standards.
2. All development shall comply with all City standards and policies.
3. For any future development of additional building space, of any size, Applicant shall submit all required information and fees to procure all necessary permits and entitlements.
4. Any new or modified electrical or utility services shall be undergrounded.
5. Applicant shall provide separate water services for domestic, landscape and fire usage, if not already existing. All new services shall be made by hot tap in the presence of the water

department staff. Existing water meters shall be retrofitted to include a radio read head compatible with the City system. Landscape service shall be metered separately.

6. Applicant shall provide upgraded HVAC system with smoke dampers as required at rated walls or ceiling penetrations.

7. All proposed improvements shall conform to requirements of the Americans with Disabilities Act (ADA).

8. A Public Works water staff member must be present during installation of hot taps and tie-ins.

9. Handicapped ramps shall be modified within and surrounding the project site as necessary to meet current code and State of California standards.

10. Applicant shall install backflow preventers on existing water services as directed by the City Engineer.

11. At time of Building Plan Check, applicant shall pay a 10% deposit of the plan check fee.

12. At time of site improvements plan check, applicant shall submit a 50% deposit of the plan check and inspection fee.

13. RTMF fees must be paid before final occupancy, with the receipt returned to the city.

14. Required ADA parking spaces shall be provided, with input from City Building Department, prior to occupancy.

15. Submit a floor and plumbing plan to SKF for sewer evaluation.

16. Modification to building or plumbing will require a reevaluation of the existing sewer connection permit by SKF.

17. Contact SKF Sanitation District for updated sewer service charges; project constitutes change in use for billing purposes.

18. Roof access ladders and fire sprinkler risers will be installed inside the building.

19. Sprinkler and alarm system is required per current Fire Code in new building and must be monitored and maintained as needed.

20. Defense and Indemnification.

a. Applicant agrees to and shall defend, indemnify, and hold harmless the City of Kingsburg (“**City**”), and its officials, city council members, planning commission members, officers, employees, representatives, agents, contractors and legal counsel (collectively, “**City Parties**”) from and against all claims, losses, judgments, liabilities, causes of action, expenses and other costs, including litigation and court costs and attorney's fees, and damages of any nature whatsoever made against or incurred by the City Parties including, without limitation, an award of attorney fees and costs to the person, organization or entity or their respective officers, agents, employees, representatives, legal counsel, arising out of, resulting from, or in any way in connection with, the City's act or acts leading up to and including approval of any environmental document and/or granting of any land use entitlements or any other approvals relating to the amendment to Conditional Use Permit 2014-02 (“**Amendment**”). Applicant's obligation to defend, indemnify and hold harmless specifically includes, without limitation, any suit or challenge by any third party against the City which challenges or seeks to set aside, void or annul the legality or adequacy of any environmental document or determination, including, without limitation, any environmental document or determination prepared by the City or at the direction of the City and

approved by the City for the approval of any land use entitlements or other approvals related to the Amendment.

b. Applicant agrees its obligations to defend, indemnify and hold the City, and the City Parties harmless shall include, without limitation, the cost of preparation of any administrative record by the City, City staff time, copying costs, court costs, the costs of any judgments or awards against the City Parties for damages, losses, litigation costs, or attorney's fees arising out of a suit or challenge contesting the adequacy of any City act or acts leading up to and including any approval of any environmental document or determination, land use entitlements or any other approvals related to the Amendment, and the costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of a suit or challenge contesting the adequacy of any City act or acts leading up to and including any approval of the environmental document or determination, land use entitlements or any other approvals related to the Amendment.

c. Applicant agrees the City may, at any time, require the Applicant to reimburse the City for attorney fees, costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of any suit or challenge. Such attorney fees shall include any and all attorney fees incurred by the City from its legal counsel, Kahn, Soares & Conway, LLP and any special legal counsel retained by the City. Applicant shall reimburse City within thirty (30) days of receipt of an itemized written invoice from City. Failure of the Applicant to timely reimburse the City shall be considered a material breach of the conditions of approval for the Amendment.

d. Applicant shall comply with and shall require all contractors to comply with all prevailing wage laws, rules and regulations applicable to any work to be performed as a result of approval of the Amendment (collectively “**Amendment Work**”). Applicant shall be solely responsible for making any and all decisions regarding whether any portion or aspect of the Amendment Work, including, without limitation, any form of reimbursement by the City to the Applicant or any contractor, will require the payment of prevailing wages. Further, Applicant will be solely responsible for the payment of any claims, fines, penalties, reimbursements, payments and the defense of any actions that may be initiated against Applicant or any contractor as a result of failure to pay prevailing wages.

e. The Applicant shall defend, indemnify, and hold harmless the City Parties, from and against any and all claims, damages, losses, judgments, liabilities, causes of action, expenses and other costs, including, without limitation, litigation costs and attorney's fees, arising out of, resulting from, or in any way in connection with any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Amendment Work. Applicant's obligation to defend, indemnify and hold the City Parties harmless specifically includes, but is not limited to, any suit or administrative action against the City Parties which claims a violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Amendment Work.

f. The Applicant agrees its obligations to defend, indemnify and hold the City Parties harmless, shall include without limitation, City staff time, copying costs, court costs, the costs of any judgments or awards against the City Parties for damages, losses, litigation costs, or attorney fees

arising out of any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Amendment Work and costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of any such proceeding or suit.

g. Applicant agrees the City may, at any time, require the Applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of any suit proceeding regarding violation of any prevailing wage law, rule or regulation. Such attorney fees shall include any and all attorney fees incurred by the City from its legal counsel, Kahn, Soares & Conway, LLP and any special legal counsel retained by the City. Applicant shall reimburse the City within thirty (30) days of receipt of an itemized written invoice from the City. Failure of the Applicant to timely reimburse the City shall be considered a material violation of the conditions of approval of the Amendment.

* * * * *

I, Mary Colby, Secretary to the Planning Commission of the City of Kingsburg, do hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the Kingsburg Planning Commission held on the 9th day of February, 2017, by the following vote:

Ayes: Commissioners:

Noes: Commissioners:

Absent: Commissioners:

Abstain: Commissioners:

Mary E. Colby
Planning Commission Secretary
City of Kingsburg

Crestwood Behavioral Health
Conditions of Approval

1. The proposals of the applicant shall be conditions of approval, except as further modified below, and subject to modifications to conform to applicable City Standards.
2. All development shall comply with all City standards and policies.
3. For any future development of additional building space, of any size, Applicant shall submit all required information and fees to procure all necessary permits and entitlements.
4. The parking lot shall be constructed per the requirements of the Kingsburg Parking Manual. In particular, parking stalls, landscaping, and lighting shall conform to the Manual.
5. Applicant shall prepare a grading, drainage and site improvement plan for parking lot and site for review and approval by the City Engineer. Plans shall include water system, on-site lighting and landscaping plans.
6. Applicant shall prepare and submit for the City Engineer's review detailed drainage calculations to support grading, drainage and site improvement plans.
7. Any new or modified electrical or utility services shall be undergrounded.
8. Applicant shall provide separate water services for domestic, landscape and fire usage, if not already existing. All new services shall be made by hot tap in the presence of the water department staff. Existing water meters shall be retrofitted to include a radio read head compatible with the City system. Landscape service shall be metered separately.
9. Applicant shall provide anti-graffiti coating on the proposed security wall.
10. Applicant shall add visual interest and detailing to exterior of security wall. The Planning Director shall approve wall design.
11. Applicant shall provide engineering and structural plans for proposed 10' perimeter wall, including footing and foundation calculations.
12. Applicant shall provide an analysis and inspection report for analysis of the structural integrity of the building.
13. Applicant shall provide upgraded HVAC system with smoke dampers as required at rated walls or ceiling penetrations.
14. Applicant shall upgrade signage and striping to 2013 CBC requirements and City of Kingsburg standards.
15. All proposed improvements shall conform to requirements of the Americans with Disabilities Act (ADA).
16. Construct new or modify existing trash enclosure to comply with City Standards.
17. A Public Works water staff member must be present during installation of hot taps and tie-ins.
18. Repair all raised sidewalks within and surrounding the project site.
19. Handicapped ramps shall be modified within and surrounding the project site as necessary to meet current code and State of California standards.

Crestwood Behavioral Health
Conditions of Approval

20. Applicant shall conduct a tree survey for trees on property to assess maintenance, health or any intervention needs.
21. Applicant shall install backflow preventers on existing water services as directed by the City Engineer.
22. Applicant must comply with SJVAPCD regulations and conditions before final occupancy.
23. At time of Building Plan Check, applicant shall pay a 10% deposit of the plan check fee.
24. At time of site improvements plan check, applicant shall submit a 50% deposit of the plan check and inspection fee.
25. RTMF fees must be paid before final occupancy, with the receipt returned to the city.
26. Required ADA parking spaces shall be provided, with input from City Building Department, prior to occupancy.
27. Submit a floor and plumbing plan to SKF for sewer evaluation.
28. Modification to building or plumbing will require a reevaluation of the existing sewer connection permit by SKF.
29. Pretreatment of wastewater may be required. Determination to be made by SKF.
30. A grease interceptor shall be required for waste disposal purposes per SKF standards.
31. Provide a 6" minimum sewer service lateral with cleanout at the property line.
32. Complete and submit to SKF a commercial sewer connection application.
33. Contact SKF Sanitation District for updated sewer service charges; project constitutes change in use for billing purposes.
34. Access shall be maintained at all times around the perimeter of the building.
35. Roof access ladders and fire sprinkler risers will be installed inside the building.
36. Sprinkler and alarm system is required per current Fire Code in new building and must be monitored and maintained as needed.
37. Applicant shall show Fire Department all routes and access for fire exiting. Fire Department must have access to 'safe dispersal area' and between main building and administration building.
38. Circle drive path at main entrance shall be signed, "No parking-Fire Lane."
39. Fire hydrants shall be located within 150 feet of all exterior walls. Any storage, either interior or temporary exterior storage, shall meet current Fire Code specifications.
40. There will be no smoking allowed anywhere on the project site.
41. Police: Applicant shall provide signage (2 hour parking limit) along 18th Avenue frontage of project to avoid conflict with school parking needs.
42. Police: Lighting (ornamental, security, parking) shall be shielded to prevent spillover and intrusion into surrounding neighborhoods.

Crestwood Behavioral Health
Conditions of Approval

- 43. School District: Walkways will be improved to current City Standards around entire perimeter of building
- 44. School District: No one with a history of criminal violence, sex offenses, or drug and alcohol addictions shall be allowed to be in residence.

School District: If a security breach occurs, the school district will be informed immediately, using a predetermined protocol.

45. The applicant shall admit clients into its facility that are screened and referred by County Department of Behavioral Health. The applicant shall use all reasonable efforts not to accept a client who is 1) a registered sex offender as defined in Penal Code Section 290, 2) a person committed as a "mentally disordered sex offender" pursuant to Penal Code Sections 2960-2981, or 3) a person who has been convicted of a felony that results in serious physical harm to another. The facility shall not be used as a primary treatment center for alcohol and drug abuse. The County will work with the applicant to place clients into the facility consistent with these criteria.

46. For two years following the date the City approved this application, the City shall have the ability to request information from the applicant at least twice a year directly related to the criteria in Condition No. 45 above to determine if the admissions criteria in that condition is being followed. In fulfilling this condition, the applicant shall not violate HIPPA and is not required to produce any personal or confidential information on the clients or otherwise.

47. The applicant shall report to the City Manager compliance with these conditions of approval on a biannual basis. The first report shall be provided six months after the first client occupies the facility. The City shall only use this information to determine compliance with these conditions and the applicant is not required to provide any personal or confidential information or information protected by HIPPA.

48. Standard visiting hours will commence between 4:00pm-8:00pm Monday — Friday and 10:00am-8:00pm Saturday and Sunday.

STAFF REPORT

TO: Kingsburg Planning Commission

FROM: Greg Collins, Planning Director

DATE: February 9, 2017

SUBJECT: ZONING ORDINANCE AMENDMENT 2017-01, FOR A ZONING ORDINANCE TEXT AMENDMENT TO CHAPTER 28, SECTION 17.28.050, PROPERTY DEVELOPMENT STANDARDS, OF THE KINGSBURG MUNICIPAL CODE

Recommendation:

Direct staff to hold a public hearing on the amendment of Chapter 28, Section 17.28.050 of the Kingsburg Municipal Code after providing direction to staff on the matter of accessory structures in single-family residential districts.

- 1) Determines that the project is Categorically Exempt in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(5) because it is a government administrative activity that will not result in direct or indirect physical changes in the environment. Subsequent projects will be subject to environmental assessment as required by CEQA.
- 2) Review the attached draft Resolution and provide direction to staff regarding modifications or amendments to Section 17.28.050 of the Kingsburg Municipal Code.

Discussion:

This proposed Zoning Ordinance Amendment arises out of the recognition of a need for the City of Kingsburg to be responsive to changing building trends in the field of accessory structures (e.g. Tuff Sheds, portable carports, pool houses, etc.).

From time to time persons approach the city building department wishing to erect, install or build an accessory structure in their front, rear or side yards. The Kingsburg Zoning Ordinance (along with the Uniform Building Code) regulates the location, size and processing procedures by which these structures can be installed. The Uniform Building Code states that if a structure has an area of 120 square feet or less, and does not contain any plumbing or electrical improvements, no permit is necessary. Unfortunately, if this structure is higher than 7 feet and it is placed in a side or rear yard setback area it violates Section 17.28.050 of the Zoning Ordinance, which reads as follows:

Rear Yards. The minimum rear yard shall be 10 feet, subject to the following conditions and exceptions:

Accessory structures less than seven feet in height may be located in any portion of a required rear yard, provided that any mechanical equipment shall be located a minimum of five feet from a rear property line adjoining an interior lot in an UR, RA, R or RM district.

Side Yards. The minimum side yard shall be five feet, subject to the following conditions and exceptions:

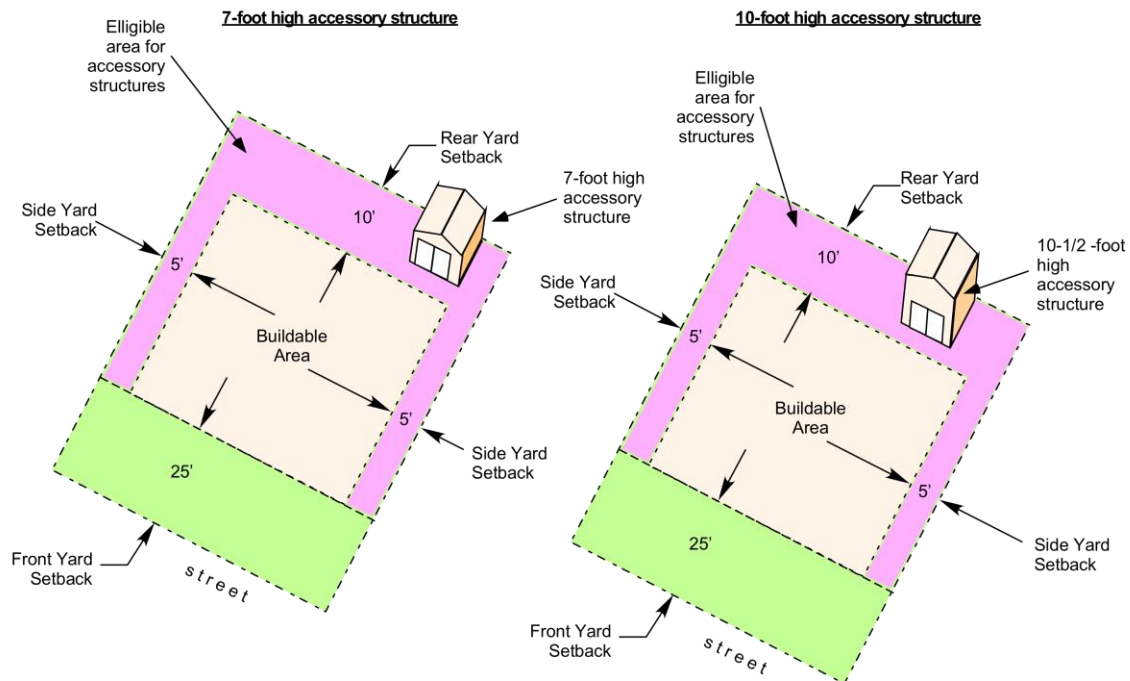
Accessory and garden structures under seven feet in height may be located in any portion of a required side yard, subject to approval under the provisions of [Chapter 17.64](#), except in the street side yard of a corner lot, and provided that any mechanical equipment shall be located a minimum of five feet from a side property line adjoining an interior lot in the UR, RA, or RM district.

Historically most accessory structures have been less than 7 feet in height; however, with businesses (Home Base, Loews and Tuff Shed) marketing new accessory structure products to the homeowner these buildings have grown in height and size. For example, you can purchase a two-car portable carport that covers your driveway and provides off-street parking, which replaces the stalls in the garage that has been replaced with stored materials. Similarly, you can purchase a Tuff Shed, which can have a height of 10.5 feet or higher and exceed 120 square feet, and place it in your back yard - not a violation of the Zoning Ordinance unless installed in the side or rear yard setback area.

Other cities in the Valley have also had issues with accessory structures - new two-car garages in the rear yard, carport covers for very large motor homes, pool houses, and installation of 40-foot shipping containers (Yes, the type of structure you see on a train or a semi-truck). Any of these structures can be large, and if improperly placed, an eyesore for adjacent neighbors. If the Commission is going to consider a revision of this section of the Zoning Ordinance it may want to also deal with these types of structures also.

Staff has made some recommended revisions to the [Property Development Standards](#) section of Kingsburg's R-1 District that respond to community comments (on accessory structures) as well as current building trends in other cities in the Valley. The Commission may want to focus on the height of accessory structures. Should the maximum height be 15 feet? Should the height of accessory structures permitted in side and rear yard setbacks be increased in height to 10.5?

The pros and cons of these height changes are obvious. Assuming most folks have a 6 or 7-foot fence along their side and rear yards, the greater the height of the accessory structure one has in their back yard the more potentially intrusive it will be to adjacent neighbors. Further, the closer this accessory structure is to the side or rear fence the more the problem is exacerbated. In conclusion, this matter is really a call the Commission (and eventually the Council) needs to make as it pertains to people's enjoyment of their backyards and what they deem acceptable in terms of accessory structure's height and location.



Paralleling a potential revision Section 17.28.050 of Chapter 28, staff is also suggesting that the Commission consider a new chapter to the Zoning Ordinance - Minor Deviations. This new chapter of the Zoning Ordinance potentially affords building and planning staff the ability to deviate from certain development standards in Kingsburg's residential districts subject to certain findings and conditions.

For example, a new building foundation could be constructed too close to a property line because the wrong property line was used when the foundation was set. This setback violation could be a couple of inches or a foot or more. When faced with this "mistake", the building inspector has two choices - 1) tear out the foundation (and move the building), or 2) apply for a variance permit, which costs \$500 and can take up to three months to process.

As to a response to these "in the field" situations some cities have added a minor deviation process to their zoning ordinance. This process can allow a deviation of 10 to 20 percent from certain development standards (mostly setbacks) subject to certain findings by the City Planner or Building Inspector. A proposed Minor Deviation chapter is attached to this report for the Planning Commission's consideration and direction.

A minor deviation process could also assist building and planning staff to resolve "in field" decisions regarding accessory structures. For example, what if an accessory structure was placed too close to a side, rear or front property line. The minor deviation process would allow building or planning staff to approve these "deviations" in the field rather than spending the city's time and resources attempting to get the "violation" corrected. Obviously, if the violation is significant, city staff is not likely to approve the minor deviation and would call for the correction of the violation, or process the case through the city's variance process.

Conclusion:

Staff recommends that the Kingsburg Planning Commission review and provide direction of the attached Resolution that calls for the amendment of the Kingsburg Municipal Code Section 17.28.050. The Commission may also want to provide direction on the draft copy of the Minor Deviation chapter.

Environmental Review:

Staff determines that the project is categorically exempt in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(5) because it is a government administrative activity that will not result in direct or indirect physical changes in the environment. Subsequent projects will be subject to environmental assessment as required by CEQA.

ATTACHMENTS:

Exhibit A - Proposed Amendments to Section 17.28.050 of Kingsburg Zoning Ordinance

Exhibit B - Draft of Minor Deviation Chapter

Resolution 2017-01, Amending Section 17.28.050 of the Kingsburg Zoning Ordinance.

Exhibit A

**Proposed Amendments to Section 17.28.050 of Chapter 28
of Kingsburg Zoning Ordinance**

17.28.050 - Property development standards.

E. Coverage. The maximum site area covered by dwellings and garages shall be forty percent (40%). ~~An additional five percent of site area can be covered by such accessory buildings as patios, gazebos and storage sheds.~~

F. Yard Requirements.

1.

Front Yard. The minimum front yard in an R-1-7 and R-1-10 districts shall be twenty (20) feet, provided that the distance from the centerline of a public street to the rear of the required front yard shall not be less than fifty (50) feet. The minimum front yard in an R-1-20 district shall be fifty (50) feet, provided that the distance from the centerline of a public street to the rear of the required front yard shall not be less than eighty (80) feet.

Except that: the minimum front yard in an R-1-7 district may be fifteen (15) feet when the garage for the single-family residence on the lot is located at the rear of the single-family residence or is a side-loaded garage. The minimum fifteen (15) foot front yard may only be used for one-third of the single-family residential lots in an R-1-7 single-family residential development, whether or not the development is phased.

On a site situated between sites improved with buildings where said buildings are set back less than a minimum distance required by this section, the minimum front yard shall be the average depth of the front yards on the improved sites immediately adjoining the side lines of the site.

2.

Rear Yard. The minimum rear yard shall be ten (10) feet. ~~Accessory and garden structures less than seven feet in height may be located within any portion of a required rear yard.~~ Where construction involves more than one story, including decks, balconies, garden structures, and other related platforms with a floor level over five feet in height, the rear yard shall be increased by ten (10) feet for each additional story. ~~Accessory structures less than seven feet in height may be located in any portion of a required rear yard, provided that any mechanical equipment shall be located a minimum of five feet from a rear property line adjoining an interior lot in an UR, RA, R or RM district.~~

Where a garage or carport is located within a rear yard with access from an alley, it shall be set back a minimum of eleven (11) feet from the closest alley right-of-way line to provide for adequate garage ingress and egress.

3.

Side Yards. The minimum side yard shall be five feet, subject to the following conditions and exceptions:

a.

On a reversed corner lot, and corner lot, the side yard adjoining the street shall be not less than one-half the required front yard on the adjoining key lot.

b.

~~Accessory and garden structures under seven feet in height may be located in any portion of a required side yard, subject to approval under the provisions of [Chapter 17.64](#), except in the street side yard of a corner lot, and provided that any mechanical equipment shall be located a minimum of five feet from a side property line adjoining an interior lot in the UR, RA, or RM district.~~

c.

Where construction involves more than one story, the side yard shall be increased by five feet for each additional story provided, however, that the side yard on the street side of a corner lot, that is not a reverse corner lot, need not be greater than ten (10) feet.

K. Accessory Structures. It is the purpose of this section to recognize accessory structures as desirable and beneficial accessory uses, and to provide for such uses under certain circumstances so long as land use compatibility is maintained, privacy of neighbors is protected, minimum open space and area requirements are maintained, and public health, safety, and welfare is preserved.

For purposes of this chapter, garages and carports shall not be considered to be accessory structures. Accessory structures shall conform to all of the following requirements.

1. Accessory structures shall be reviewed and approved by either the Planning Department or Building Department.
2. All accessory structures shall comply with the requirements of the Uniform Building Code as adopted by the City of Kingsburg.
3. An accessory structure may only be constructed on a lot containing a principal structure.
4. Accessory structures and any accessory uses (including surface parking) may not exceed 30 percent of the square footage of the required rear yard.
5. The maximum height for an accessory structure is 15 feet.

6. Minimum setbacks for an accessory structure shall be:
 - a. Front yard - same as principal structure
 - b. Rear yard - 10 feet. Zero feet if rear yard adjoins an alley or the accessory structure is less than 7 or 10.5 feet in height and contains no electrical, plumbing or mechanical improvements.
 - c. Interior side - 5 feet. Zero feet if interior side yard adjoins an alley or the accessory structure is less than 7 or 10.5 feet in height and contains no electrical, plumbing or mechanical improvements.
 - d. Street side - same as principal structure
7. The size of a non-habitable accessory structure shall not exceed 25 percent of the gross square footage of the primary structure (including any attached facilities such as a garage).
8. Accessory structures shall individually be located a minimum of 10 feet from the principal structure and any other accessory structure.
9. Except for guesthouses and second dwelling units, accessory structures shall not be used for dwelling purposes.
10. A non-habitable accessory structure (small shed) less than or equal to 120 square feet in size and intended for storage purposes only may be located within the required rear yard or interior side yard but not in the front yard. The maximum shed height shall be 7 or 10.5 feet.
11. Shipping containers shall not be permitted in any residential district within the City of Kingsburg.
12. Portable carports shall not be permitted in the front or street-side, side yards.

Exhibit B**Draft****CHAPTER 17.85 - MINOR DEVIATIONS****Sections**

17.85.01	Purpose
17.85.02	Applicability
17.85.03	Application and Fee
17.85.04	Report and Findings
17.85.05	Action of the Planning Director
17.85.06	Conditions

17.85.01 Purpose

The purpose of this chapter is to provide a mechanism whereby the Planning Director can grant minor deviations from district regulations. A minor deviation may be granted up to 10 percent of the district regulations and up to 20 percent for setback distances. Any minor deviation that exceeds the deviation percentage explained above shall be processed as a variance consistent with the regulations detailed in Chapter 17.84 Variances.

Minor deviations shall only be granted when practical difficulties, unnecessary hardships and conditions inconsistent with the purpose and objectives of this Ordinance may result from the strict application of certain provisions of this Ordinance. The granting of a minor deviation and its associated conditions shall not constitute a special privilege inconsistent with the limitations on other properties in vicinity and in other like districts in Exeter.

17.85.02 Applicability

The Planning Director may grant a minor deviation from district regulations, including setbacks, lot dimensions, height of structures and fences, walls and hedges, lot coverage, parking standards and sign regulations.

17.85.03 Application and Fee

An application for a minor deviation shall be made to the Planning Department on a form prescribed by the Department. A fee set by resolution of the City Council shall accompany the application.

17.85.04 Report and Findings

The City Director shall prepare a report on the minor deviation application and shall review the following findings with regard to a minor deviation.

- A. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, and unclear property lines, where the strict application of this Ordinance deprives such property right possessed by other property in the same vicinity or other properties that have the same district classification;
- B. That granting a minor deviation is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity or other properties that have the same district classification;
- C. That granting the minor deviation will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and district in which the property is located; and
- D. That granting the minor deviation does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the property is located.

17.85.05 Action of the Planning Director

The Planning Director may process minor deviations as an administrative matter. Following a review of a minor deviation application and the findings listed above, the Planning Director may take action on the minor deviation. The Planning Director can approve, approve with conditions or deny the minor deviation based on the findings listed above. Following a decision by the Planning Director, an administrative agreement, consistent with Chapter 17.64 Uses Permitted by Administrative Approval, shall be prepared that outlines the findings and conditions of the decision. The Planning Commission will be notified of all minor deviations granted by the Planning Director.

The Director's decision shall be final unless appealed to the Planning Commission within 10 days of the approval of the minor deviation. The Director shall transmit a copy of the administrative agreement to the person that filed the minor deviation application.

17.85.06 Conditions

The Director can approve a minor deviation subject to conditions. Conditions will assure that the approved minor deviations shall not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and district in which such property is situated.

RESOLUTION 2017-01

DRAFT

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KINGSBURG
RECOMMENDING TO CITY COUNCIL
APPROVAL OF AN AMENDMENT TO CHAPTER 28, SECTION 17.28.050,
PROPERTY DEVELOPMENT STANDARDS, OF
THE KINGSBURG MUNICIPAL CODE**

WHEREAS, the Kingsburg Municipal Code Section 2.08.090:E allows the City Manager to initiate an amendment to and recommend an adoption of an ordinance; and

WHEREAS, the Kingsburg City Manager has directed staff to initiate proceedings to amend Section 17.28.050 of the Kingsburg Municipal Code (“Amendment”); and

WHEREAS the public hearing for the Planning Commission’s consideration of the Amendment was properly noticed in accordance with applicable law by posting the notice of public hearing at the City of Kingsburg City Hall Bulletin Board, placing the notice of public hearing on the City of Kingsburg website and publishing the notice of public hearing in The Kingsburg Recorder on _____, 2017; and

WHEREAS, the Amendment is exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(5), and is not considered a project. The Amendment to the Kingsburg Municipal Code is a government administrative activity that will not result in direct or indirect physical changes in the environment.

NOW, THEREFORE, BE IT RESOLVED that the Kingsburg Planning Commission adopts this Resolution 2017-____, and recommends to the City Council approval by ordinance, of an Amendment to Kingsburg Municipal Code Section 17.28.050 Property Development Standards as identified in Exhibit “A” to this resolution.

The foregoing resolution was adopted on _____, 2017 by motion of Commissioner _____, and being duly seconded by Commissioner _____, was passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Secretary of the Planning Commission

Chairperson of the Planning Commission

Exhibit A

draft

Proposed Amendments to Section 17.28.050 of Chapter 28 of Kingsburg Zoning Ordinance

17.28.050 - Property development standards.

E. Coverage. The maximum site area covered by dwellings and garages shall be forty percent (40%). ~~An additional five percent of site area can be covered by such accessory buildings as patios, gazebos and storage sheds.~~

F. Yard Requirements.

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Except that: the minimum front yard in an R-1-7 district may be fifteen (15) feet when the garage for the single-family residence on the lot is located at the rear of the single-family residence or is a side-loaded garage. The minimum fifteen (15) foot front yard may only be used for one-third of the single-family residential lots in an R-1-7 single-family residential development, whether or not the development is phased.

On a site situated between sites improved with buildings where said buildings are set back less than a minimum distance required by this section, the minimum front yard shall be the average depth of the front yards on the improved sites immediately adjoining the side lines of the site.

2.

Rear Yard. The minimum rear yard shall be ten (10) feet. ~~Accessory and garden structures less than seven feet in height may be located within any portion of a required rear yard.~~ Where construction involves more than one story, including decks, balconies, garden structures, and other related platforms with a floor level over five feet in height, the rear yard shall be increased by ten (10) feet for each additional story. ~~Accessory structures less than seven feet in height may be located in any portion of a required rear yard, provided that any mechanical equipment shall be located a minimum of five feet from a rear property line adjoining an interior lot in an UR, RA, R or RM district.~~

Where a garage or carport is located within a rear yard with access from an alley, it shall be set back a minimum of eleven (11) feet from the closest alley right-of-way line to provide for adequate garage ingress and egress.

3.

Side Yards. The minimum side yard shall be five feet, subject to the following conditions and exceptions:

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On a reversed corner lot, and corner lot, the side yard adjoining the street shall be not less than one-half the required front yard on the adjoining key lot.

b.

~~Accessory and garden structures under seven feet in height may be located in any portion of a required side yard, subject to approval under the provisions of [Chapter 17.64](#), except in the street side yard of a corner lot, and provided that any mechanical equipment shall be located a minimum of five feet from a side property line adjoining an interior lot in the UR, RA, or RM district.~~

c.

Where construction involves more than one story, the side yard shall be increased by five feet for each additional story provided, however, that the side yard on the street side of a corner lot, that is not a reverse corner lot, need not be greater than ten (10) feet.

K. Accessory Structures. It is the purpose of this section to recognize accessory structures as desirable and beneficial accessory uses, and to provide for such uses under certain circumstances so long as land use compatibility is maintained, privacy of neighbors is protected, minimum open space and area requirements are maintained, and public health, safety, and welfare is preserved.

For purposes of this chapter, garages and carports shall not be considered to be accessory structures. Accessory structures shall conform to all of the following requirements.

1. Accessory structures shall be reviewed and approved by either the Planning Department or Building Department.
2. All accessory structures shall comply with the requirements of the Uniform Building Code as adopted by the City of Kingsburg.
3. An accessory structure may only be constructed on a lot containing a principal structure.
4. Accessory structures and any accessory uses (including surface parking) may not exceed 30 percent of the square footage of the required rear yard.
5. The maximum height for an accessory structure is 15 feet.
6. Minimum setbacks for an accessory structure shall be:
 - a. Front yard - same as principal structure
 - b. Rear yard - 10 feet. Zero feet if rear yard adjoins an alley or the accessory structure is less than 7 or 10.5 feet in height and contains no electrical, plumbing or mechanical improvements.

- c. Interior side - 5 feet. Zero feet if interior side yard adjoins an alley or the accessory structure is less than 7 or 10.5 feet in height and contains no electrical, plumbing or mechanical improvements.
 - d. Street side - same as principal structure
- 7. The size of a non-habitable accessory structure shall not exceed 25 percent of the gross square footage of the primary structure (including any attached facilities such as a garage).
 - 8. Accessory structures shall individually be located a minimum of 10 feet from the principal structure and any other accessory structure.
 - 9. Except for guesthouses and second dwelling units, accessory structures shall not be used for dwelling purposes.
 - 10. A non-habitable accessory structure (small shed) less than or equal to 120 square feet in size and intended for storage purposes only may be located within the required rear yard or interior side yard but not in the front yard. The maximum shed height shall be 7 or 10.5 feet.
 - 11. Shipping containers shall not be permitted in any residential district within the City of Kingsburg.
 - 12. Portable carports shall not be permitted in the front or street-side, side yards.

C. Recommendation to staff/City Council

7. FUTURE ITEMS

8. ADJOURN